

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES -- GENERAL

Case No. **ED CV 23-254-JFW(SHKx)**

Date: August 1, 2023

Title: Erica Simmons-Evans -v- Comenity Servicing LLC, et al.

PRESENT:

HONORABLE JOHN F. WALTER, UNITED STATES DISTRICT JUDGE

**Shannon Reilly
Courtroom Deputy**

**None Present
Court Reporter**

ATTORNEYS PRESENT FOR PLAINTIFFS:

None

ATTORNEYS PRESENT FOR DEFENDANTS:

None

PROCEEDINGS (IN CHAMBERS):

**ORDER TO SHOW CAUSE WHY SANCTIONS SHOULD
NOT BE IMPOSED FOR FAILURE TO COMPLY WITH
THE COURT'S ORDER**

In the Court's Scheduling and Case Management Order ("CMO") (Docket No. 16) and the Order Vacating Scheduling Conference, Referral to Private Mediation, and Dismissing Any Unserved Doe Defendants (Docket No. 15), the Court set July 17, 2023 as the last day to complete ADR Procedure No. 3 (Private Mediation). In their Joint Report Re Status of Settlement filed on July 26, 2023 (Docket No. 25), the parties state: "The parties have not engaged in formal mediation but are engaged in informal resolution. . . . Plaintiff does not believe that there is a need for formal mediation of this matter with the remaining non-settled Defendant, Equifax." The Court disagrees and concludes that the parties have violated the Court's CMO by failing to complete the private mediation by the Court-ordered deadline of July 17, 2023.

Accordingly, the parties are ordered to show cause in writing by August 4, 2023 why the Court should not dismiss this action or impose sanctions in the amount of \$2,500.00 against each lead counsel for violating the Court's CMO. No oral argument on this matter will be heard unless otherwise ordered by the Court. See Fed. R. Civ. P. 78; Local Rule 7-15. The Order to Show Cause will stand submitted upon the filing of the response to the Order to Show Cause. Failure to respond to the Order to Show Cause will result in the dismissal of this action and the imposition of sanctions.

IT IS SO ORDERED.